

of this title without respect to the amount in controversy, or in any other court having jurisdiction of the parties, and shall recover the damages by him sustained and the cost of the suit.

(June 23, 1947, ch. 120, title III, § 303, 61 Stat. 158; Pub. L. 86-257, title VII, § 704(e), Sept. 14, 1959, 73 Stat. 545.)

AMENDMENTS

1959—Subsec. (a). Pub. L. 86-257 struck out provisions which specified particular practices that were unlawful, and inserted reference to practices defined in section 158(b)(4) of this title, which section defines the unfair labor practices formerly enumerated in this subsection.

§ 188. Repealed. Aug. 9, 1955, ch. 690, § 4(3), 69 Stat. 625

Section, act June 23, 1947, ch. 120, title III, § 305, 61 Stat. 160, forbade striking by Government employees, required discharge of striking employee and forfeiture of his civil-service status, and made him ineligible for employment for three years. See sections 3333 and 7311 of Title 5, Government Organization and Employees, and section 1918 of Title 18, Crimes and Criminal Procedure.

SUBCHAPTER V—CONGRESSIONAL JOINT COMMITTEE ON LABOR-MANAGEMENT RELATIONS

§§ 191 to 197. Omitted

CODIFICATION

Section 191, act June 23, 1947, ch. 120, title IV, § 401, 61 Stat. 160, related to establishment and composition of Joint Committee on Labor-Management Relations.

Section 192, act June 23, 1947, ch. 120, title IV, § 402, 61 Stat. 160, related to a study by committee of the entire field of labor-management relations.

Section 193, acts June 23, 1947, ch. 120, title IV, § 403, 61 Stat. 160; Aug. 10, 1948, ch. 833, 62 Stat. 1286, related to a final report to Congress to be submitted no later than March 1, 1949.

Section 194, act June 23, 1947, ch. 120, title IV, § 404, 61 Stat. 161, related to employment and compensation of experts and other personnel.

Section 195, act June 23, 1947, ch. 120, title IV, § 405, 61 Stat. 161, related to hearings, calling of witnesses, production of evidence.

Section 196, act June 23, 1947, ch. 120, title IV, § 406, 61 Stat. 161, related to reimbursement of committee members for expenses.

Section 197, act June 23, 1947, ch. 120, title IV, § 407, 61 Stat. 161, related to appropriation of funds.

CHAPTER 8—FAIR LABOR STANDARDS

Sec.

201. Short title.

202. Congressional finding and declaration of policy.

203. Definitions.

204. Administration.

(a) Creation of Wage and Hour Division in Department of Labor; Administrator.

(b) Appointment, selection, classification, and promotion of employees by Administrator.

(c) Principal office of Administrator; jurisdiction.

(d) Biennial report to Congress; studies of exemptions to hour and wage provisions and means to prevent curtailment of employment opportunities.

Sec.

(e) Study of effects of foreign production on unemployment; report to President and Congress.

(f) Employees of Library of Congress; administration of provisions by Office of Personnel Management.

205. Special industry committees for American Samoa.

(a) Establishment; residents as members of committees.

(b) Appointment of committee without regard to other laws pertaining to the appointment and compensation of employees of the United States; composition of committees.

(c) Quorum; compensation; employees.

(d) Submission of data to committees.

206. Minimum wage.

(a) Employees engaged in commerce; home workers in Puerto Rico and Virgin Islands; employees in American Samoa; seamen on American vessels; agricultural employees.

(b) Additional applicability to employees pursuant to subsequent amendatory provisions.

(c) Repealed.

(d) Prohibition of sex discrimination.

(e) Employees of employers providing contract services to United States.

(f) Employees in domestic service.

(g) Newly hired employees who are less than 20 years old.

207. Maximum hours.

(a) Employees engaged in interstate commerce; additional applicability to employees pursuant to subsequent amendatory provisions.

(b) Employment pursuant to collective bargaining agreement; employment by independently owned and controlled local enterprise engaged in distribution of petroleum products.

(c), (d) Repealed.

(e) "Regular rate" defined.

(f) Employment necessitating irregular hours of work.

(g) Employment at piece rates.

(h) Extra compensation creditable toward overtime compensation.

(i) Employment by retail or service establishment.

(j) Employment in hospital or establishment engaged in care of sick, aged, or mentally ill.

(k) Employment by public agency engaged in fire protection or law enforcement activities.

(l) Employment in domestic service in one or more households.

(m) Employment in tobacco industry.

(n) Employment by street, suburban, or interurban electric railway, or local trolley or motorbus carrier.

(o) Compensatory time.

(p) Special detail work for fire protection and law enforcement employees; occasional or sporadic employment; substitution.

(q) Maximum hour exemption for employees receiving remedial education.

208. Wage orders in American Samoa.

(a) Congressional policy; recommendation of wage rate by industry committee.

(b) Investigation of industry condition by industry committee; matters considered.

- Sec.
- (c) Classifications within industry; recommendation of wage rate.
 - (d) Report by industry committee; publication in Federal Register.
 - (e) Orders.
 - (f) Due notice of hearings by publication in Federal Register.
209. Attendance of witnesses.
210. Court review of wage orders in Puerto Rico and the Virgin Islands.
211. Collection of data.
- (a) Investigations and inspections.
 - (b) State and local agencies and employees.
 - (c) Records.
 - (d) Homework regulations.
212. Child labor provisions.
- (a) Restrictions on shipment of goods; prosecution; conviction.
 - (b) Investigations and inspections.
 - (c) Oppressive child labor.
 - (d) Proof of age.
213. Exemptions.
- (a) Minimum wage and maximum hour requirements.
 - (b) Maximum hour requirements.
 - (c) Child labor requirements.
 - (d) Delivery of newspapers and wreath-making.
 - (e) Maximum hour requirements and minimum wage employees.
 - (f) Employment in foreign countries and certain United States territories.
 - (g) Certain employment in retail or service establishments, agriculture.
 - (h) Maximum hour requirement: fourteen workweek limitation.
 - (i) Cotton ginning.
 - (j) Processing of sugar beets, sugar beet molasses, or sugar cane.
214. Employment under special certificates.
- (a) Learners, apprentices, messengers.
 - (b) Students.
 - (c) Handicapped workers.
 - (d) Employment by schools.
215. Prohibited acts; prima facie evidence.
216. Penalties.
- (a) Fines and imprisonment.
 - (b) Damages; right of action; attorney's fees and costs; termination of right of action.
 - (c) Payment of wages and compensation; waiver of claims; actions by the Secretary; limitation of actions.
 - (d) Savings provisions.
 - (e) Civil penalties for child labor violations.
- 216a. Repealed.
- 216b. Liability for overtime work performed prior to July 20, 1949.
217. Injunction proceedings.
218. Relation to other laws.
219. Separability.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 251 to 262, 795, 1802 of this title; title 2 sections 60k, 1302, 1313, 1371, 1434; title 3 sections 402, 413; title 5 section 2105; title 7 sections 2015, 2026, 2029; title 15 sections 1014, 3152; title 38 section 1718; title 41 section 355; title 42 sections 1437t, 3056, 5044, 8009, 8011, 12655l.

§ 201. Short title

This chapter may be cited as the “Fair Labor Standards Act of 1938”.

(June 25, 1938, ch. 676, § 1, 52 Stat. 1060.)

SHORT TITLE OF 1996 AMENDMENT

Pub. L. 104-188, [title II], § 2104(a), Aug. 20, 1996, 110 Stat. 1928, provided that: “This section [amending sec-

tion 206 of this title] may be cited as the ‘Minimum Wage Increase Act of 1996’.”

SHORT TITLE OF 1995 AMENDMENT

Pub. L. 104-26, § 1, Sept. 6, 1995, 109 Stat. 264, provided that: “This Act [amending section 207 of this title and enacting provisions set out as a note under section 207 of this title] may be cited as the ‘Court Reporter Fair Labor Amendments of 1995’.”

SHORT TITLE OF 1989 AMENDMENT

Pub. L. 101-157, § 1(a), Nov. 17, 1989, 103 Stat. 938, provided that: “This Act [enacting section 60k of Title 2, The Congress, amending sections 203, 205 to 208, 213, 214, and 216 of this title, and enacting provisions set out as notes under sections 203 and 206 of this title] may be cited as the ‘Fair Labor Standards Amendments of 1989’.”

SHORT TITLE OF 1985 AMENDMENT

Pub. L. 99-150, § 1(a), Nov. 13, 1985, 99 Stat. 787, provided that: “This Act [amending sections 203, 207, and 211 of this title and enacting provisions set out as notes under sections 203, 207, 215, and 216 of this title] may be cited as the ‘Fair Labor Standards Amendments of 1985’.”

SHORT TITLE OF 1977 AMENDMENT

Pub. L. 95-151, § 1(a), Nov. 1, 1977, 91 Stat. 1245, provided that: “This Act [amending sections 203, 206, 208, 213, 214, and 216 of this title and enacting provisions set out as notes under sections 203, 204, and 213 of this title] may be cited as the ‘Fair Labor Standards Amendments of 1977’.”

SHORT TITLE OF 1974 AMENDMENT

Pub. L. 93-259, § 1(a), Apr. 8, 1974, 88 Stat. 55, provided that: “This Act [enacting section 633a of this title, amending sections 202 to 208, 210, 212 to 214, 216, 255, 260, 630, and 634 of this title, and enacting provisions set out as notes under this section and sections 202, 206, 207, 213, and 621 of this title] may be cited as the ‘Fair Labor Standards Amendments of 1974’.”

SHORT TITLE OF 1966 AMENDMENT

Pub. L. 89-601, § 1, Sept. 23, 1966, 80 Stat. 830, provided: “That this Act [amending sections 203, 206, 207, 213, 214, 216, 218, and 255 of this title, and enacting provisions set out as notes under sections 207 and 214 of this title, section 1082 of former Title 5, Executive Departments and Government Officers and Employees, and section 2000e-14 of Title 42, The Public Health and Welfare] may be cited as the ‘Fair Labor Standards Amendments of 1966’.”

SHORT TITLE OF 1963 AMENDMENT

Pub. L. 88-38, § 1, June 10, 1963, 77 Stat. 56, provided: “That this Act [amending section 206 of this title and enacting provisions set out as notes under section 206 of this title] may be cited as the ‘Equal Pay Act of 1963’.”

SHORT TITLE OF 1961 AMENDMENT

Pub. L. 87-30, § 1, May 5, 1961, 75 Stat. 65, provided: “That this Act [amending sections 203 to 208, 212 to 214, 216, and 217 of this title and enacting provisions set out as a note under section 213 of this title] may be cited as the ‘Fair Labor Standards Amendments of 1961’.”

SHORT TITLE OF 1956 AMENDMENT

Act Aug. 8, 1956, ch. 1035, § 1, 70 Stat. 1118, provided: “That this Act [amending sections 206, 213, and 216 of this title] may be cited as the ‘American Samoa Labor Standards Amendments of 1956’.”

SHORT TITLE OF 1955 AMENDMENT

Act Aug. 12, 1955, ch. 867, § 1, 69 Stat. 711, provided: “That this Act [amending sections 204-206, 208, and 210